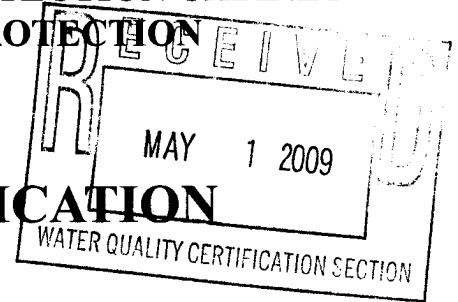


**COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER**



401 WATER QUALITY CERTIFICATION

**APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR
ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION**

**NOTICE OF INTENT (NOI) FOR STORM WATER
DISCHARGES**

**NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER
KPDES (form)**

January 2009

PREPARED FOR:



**KENTUCKY DEPARTMENT OF FISH
AND WILDLIFE RESOURCES
#1 SPORTSMAN'S LANE
FRANKFORT, KY 40601**

Prepared By:

Baker

***Michael Baker Jr., Inc
5088 Washington Street, West
Charleston, West Virginia 25313***

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER: Benjamin Kinman, Kentucky Department of Fish and Wildlife Resources
Give name of person(s), company, governmental unit, or other owner of proposed project.
MAILING ADDRESS: #1 Sportsman's Lane
Frankfort, KY 40601
TELEPHONE #: 800-858-7109 X 4422 EMAIL: Benjy.Kinman@ky.gov
2. AGENT: Christy Mower, Environmental Specialist II, of Michael Baker Jr., Inc.
Give name of person(s) submitting application, if other than owner.
ADDRESS: 5088 West Washington St
2nd Floor
Charleston, WV 25313
TELEPHONE #: 304-769-2118 EMAIL: emower@mbakercorp.com
3. ENGINEER: Michael Baker Jr., Inc.; Patrick Fogarty P.E. NUMBER: _____
Contact Division of Water if waiver can be granted.
TELEPHONE #: 304-769-2132 EMAIL: pfogarty@mbakercorp.com
4. DESCRIPTION OF CONSTRUCTION: Currently the headwaters of the Right Fork of Upper Cane Creek of
Describe the type and purpose of construction and describe stream impact
Creek has a county road paralleling the stream and historic logging activities. The stream restoration and
enhancement project involves 6,083 linear feet of stream channel restoration and enhancement. The project will also
involve relocating the county road to a higher elevation out of the stream. Stream pattern, dimension, and profile will
be restored, in-stream structures including log and rock step pools will be installed, and native vegetation will be
planted along the banks and relocated road alignments.
5. COUNTY: Menifee NEAREST COMMUNITY: Bowen
6. USGS QUAD NAME Frenchburg LATITUDE/LONGITUDE: 37 54 6.6 N 83 44 15.9 W (Dwnstm end of project)
7. STREAM NAME: Right Fork of Upper Cane Creek, Commissary Branch, & their associated tributaries
WATERSHED SIZE (in acres): 808
8. LINEAR FEET OF STREAM IMPACTED: 6,083 linear feet
9. DIRECTIONS TO SITE: The project is located in the headwaters of Upper Cane Creek at the end of Pumpkin
Hollow Road, 6.6 miles northeast of Stanton, KY, in Menifee County. Take 11/15 east out of Stanton and proceed for
approximately 2.7 miles. Turn right onto KY-615 for 1.8 mile where the road becomes KY-599 and continue for 1.1 miles.
Turn right onto Upper Cane Creek Road for 1.7 miles, turn left onto Pumpkin Hollow Road for 1.1 miles.

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? ☐ Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____
11. ESTIMATED BEGIN CONSTRUCTION DATE: July 2009
12. ESTIMATED END CONSTRUCTION DATE: Dec 2009
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? ☐ Yes ☒ No If yes, attach a copy of that permit.
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

- _____ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
- _____ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) X I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

The Kentucky Department of Fish and Wildlife Resources has coordinated with landowners throughout the planning phase of the project

Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

Honorable Hershell L. Sexton, Judge/Executive of Menifee County

Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: _____

List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

Exhibit 1.1 USGS Topo Map _____

Exhibit 1.2 Soils Map _____

Plan Sheets _____

17. I, Benjy Kinman (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY

ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS: _____

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: _____

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 3/11/09

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR: _____

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: _____

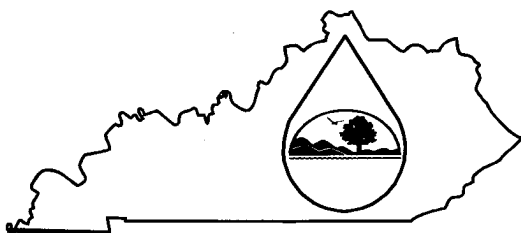
SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section

Revised 01-04

Division of Water
14 Reilly Road
Frankfort, KY 40601

01-SW



Kentucky Pollutant Discharge Elimination System
(KPDES)
Notice of Intent (NOI)
for Storm Water Discharges
Associated with Industrial Activity Under the
KPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a KPDES permit issued for storm water discharges associated with industrial activity. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit.

ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM (See Instructions on back)

I. Facility Operator Information

Name:	Benjamin Kinman, KDFWR	Phone:	502-564-7109 x 4422
Address:	#1 Sportsman's Lane	Status of Owner/Operator:	
City, State, Zip Code:	Frankfort, KY 40601		

II. Facility/Site Location Information

Name:	Department of Fish & Wildlife		
Address:	#1 Sportsman's Lane		
City, State, Zip Code:	Frankfort, KY 40601		
County:	Menifee		
Site Latitude: (degrees/minutes/seconds)	37 54 6.6	Site Longitude: (degrees/minutes/seconds)	83 44 15.9

III. Site Activity Information

MS4 Operator Name:							
Receiving Water Body:	Cane Creek of Red River						
Are there existing quantitative data?	Yes <input checked="" type="checkbox"/> If Yes, submit with this form. No <input type="checkbox"/>						
SIC or Designated Activity Code Primary		2nd		3rd		4th	
If this facility is a member of a Group Application, enter Group Application Number:							
If you have other existing KPDES Permits, enter Permit Numbers:							

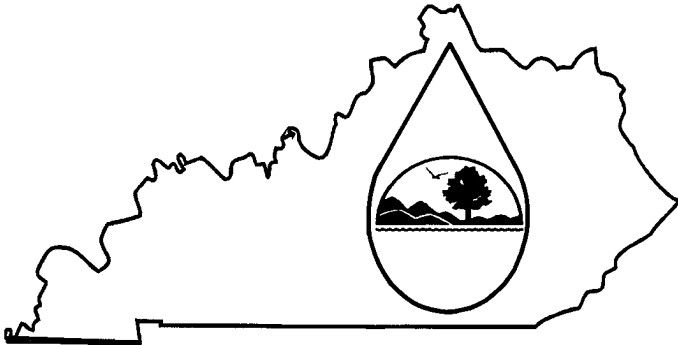
IV. Additional Information Required FOR CONSTRUCTION ACTIVITIES ONLY

Project Start Date:	January 2009	Completion Date:	July 2009
Estimated Area to be disturbed (in acres):	1.5 ac		
Is the Storm Water Pollution Prevention Plan in Compliance with State and/or Local Sediment and Erosion Plans?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

V. Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed or Typed Name:	BENJAMIN KINMAN		
Signature:		Date:	8/11/09

KPDES FORM NOT-SW

	<p>Kentucky Pollutant Discharge Elimination System (KPDES)</p> <p>NOTICE OF TERMINATION (NOT) of Coverage Under the KPDES General Permit for Storm Water Discharges Associated with Industrial Activity</p>
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Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the KPDES program.

ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.
(Please see instructions on back before completing this form.)

I. PERMIT INFORMATION
KPDES Storm Water General Permit Number:
Check here if you are no longer the Operator of the Facility: <input type="checkbox"/>
Check here if the Storm Water Discharge is Being Terminated: <input type="checkbox"/>
II. FACILITY OPERATOR INFORMATION
Name:
Address:
City/State/Zip Code:
Telephone Number:
III. FACILITY/SITE LOCATION INFORMATION
Name:
Address:
City/State/Zip Code:

Certification: I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a KPDES general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity of waters of the Commonwealth is unlawful under the Clean Water Act and Kentucky Regulations where the discharge is not authorized by a KPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Kentucky Revised Statutes.

NAME (Print or Type)	TITLE
SIGNATURE	DATE

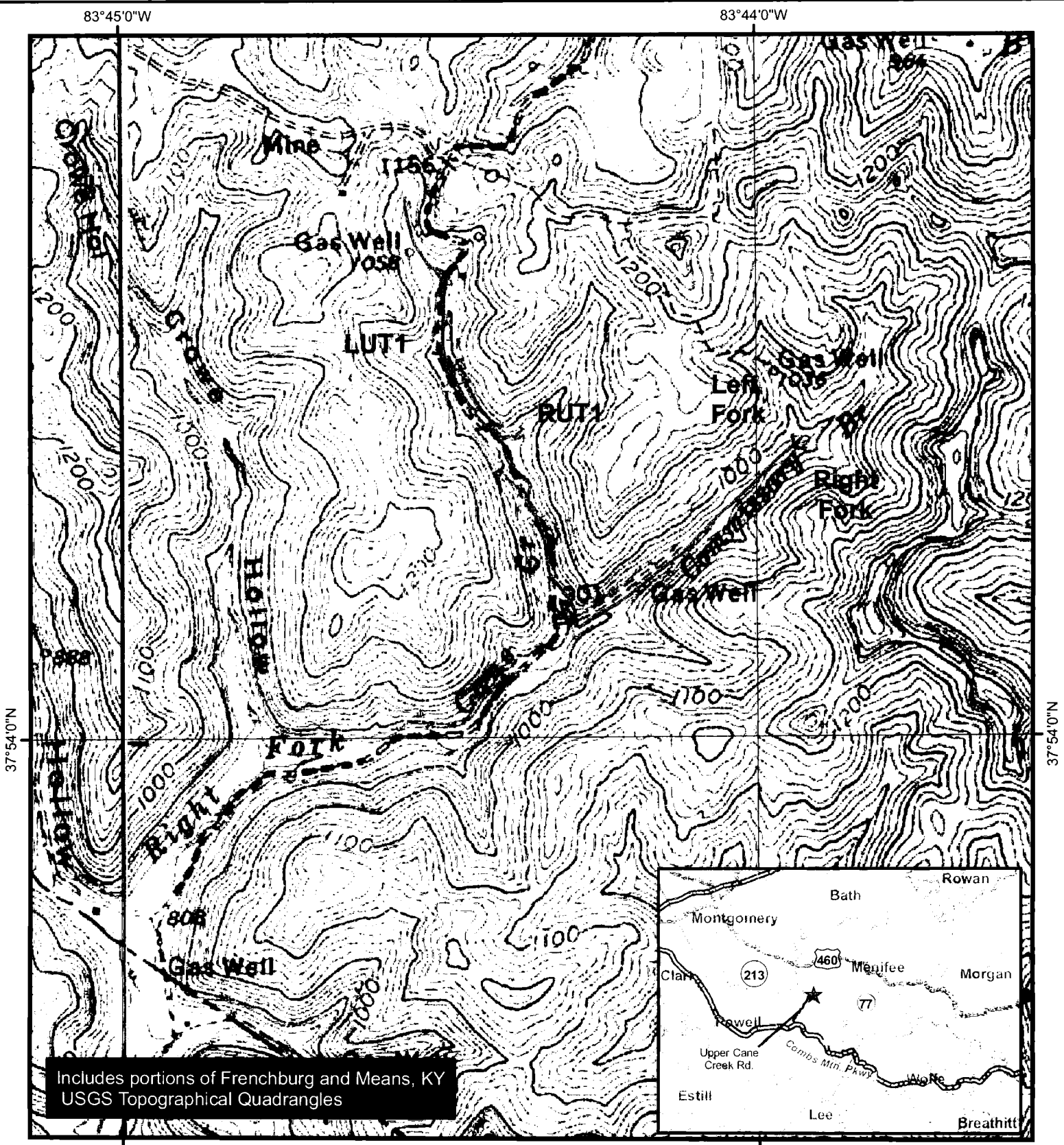


EXHIBIT 1.1 - TOPOGRAPHICAL MAP OF PROJECT REACHES

Project Reach

1,000 0 1,000

300 150 0 300

Feet

Meters

Soil Key*

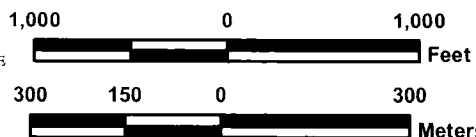
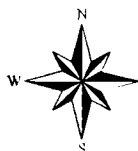
- | | |
|--|--|
| <input type="checkbox"/> BeF, Berks silt loam, 40 to 70 percent slopes | <input type="checkbox"/> LsE, Latham-Shelocta silt loams, 20 to 30 percent slopes |
| <input type="checkbox"/> BrF, Brookside stony silt loam, 30 to 60 percent slopes (bledsoe) | <input type="checkbox"/> RgC, Rigley gravelly fine sandy loam, 6 to 12 percent slopes |
| <input type="checkbox"/> CrC, Cranston gravelly silt loam, 6 to 12 percent slopes | <input type="checkbox"/> RgD, Rigley gravelly fine sandy loam, 12 to 20 percent slopes |
| <input type="checkbox"/> CrF, Cranston gravelly silt loam, 30 to 60 percent slopes | <input type="checkbox"/> RgE, Rigley gravelly fine sandy loam, 20 to 30 percent slopes |
| <input type="checkbox"/> Cu, Cuba silt loam | <input type="checkbox"/> RIF, Rigley stony fine sandy loam, 30 to 60 percent slopes |
| <input type="checkbox"/> DAM, Dam, large | <input type="checkbox"/> RoF, Rigley-Donahue complex, 30 to 60 percent slopes |
| <input type="checkbox"/> DoD, Donahue rocky sandy loam, 6 to 20 percent slopes (caneyville) | <input type="checkbox"/> Sd, Skidmore gravelly fine sandy loam |
| <input type="checkbox"/> DoF, Donahue rocky sandy loam, 20 to 40 percent slopes (caneyville) | <input type="checkbox"/> SrD, Steinsburg-Ramsey rocky sandy loams, 6 to 20 percent slopes |
| <input type="checkbox"/> HaD, Hartsells fine sandy loam, 12 to 20 percent slopes (lily) | <input type="checkbox"/> SrF, Steinsburg-Ramsey rocky sandy loams, 20 to 40 percent slopes |
| <input type="checkbox"/> LaC, Latham silt loam, 6 to 12 percent slopes | <input type="checkbox"/> Sv, Stendal fine sandy loam, neutral variant (pope) |
| <input type="checkbox"/> LaD, Latham silt loam, 12 to 20 percent slopes | <input type="checkbox"/> TIB, Tilsit silt loam, 2 to 6 percent slopes |
| <input type="checkbox"/> LaE, Latham silt loam, 20 to 30 percent slopes | <input type="checkbox"/> WhC, Whitley silt loam, 6 to 12 percent slopes |
| <input type="checkbox"/> LsD, Latham-Shelocta silt loams, 12 to 20 percent slopes | |

*Menifee County soils information source:
NRCS Web Soil Survey
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>



EXHIBIT 1.2 - SOILS MAP OF PROJECT AREA

 Project Reach



Baker

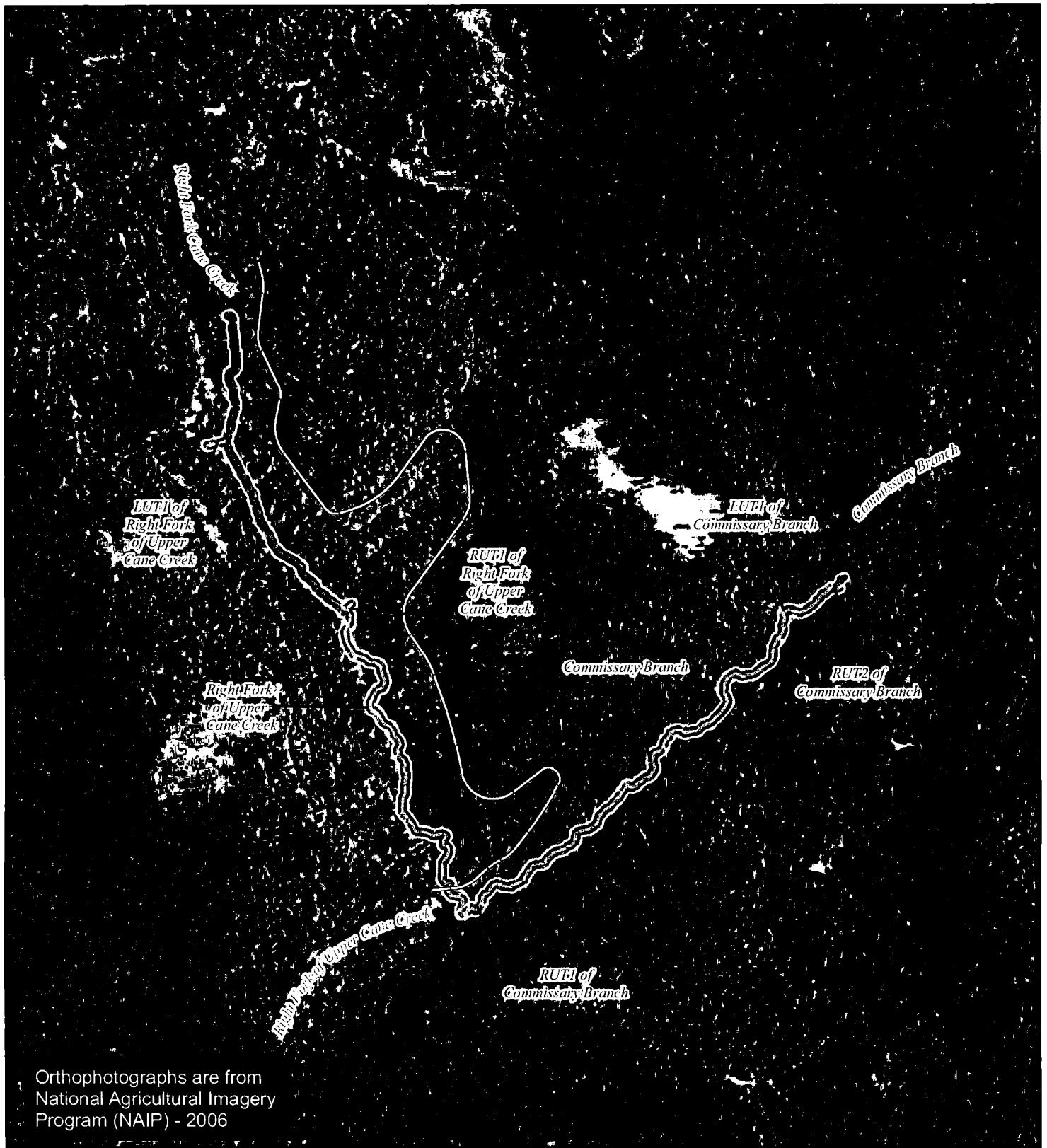


EXHIBIT 1.3 - AERIAL MAP OF PROJECT REACHES

